

REMARKS

In the **final** Office Action mailed November 12, 2009, the Office noted that claims 1-3 and 5-12 were pending and rejected claims 1-3 and 5-12. In this Amendment, claims 1, 5-7 and 12 have been amended, claims 8-11 have been cancelled, and thus, claims 1-3, 5-7 and 12 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 102

Claims 1-3 and 5-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Junsaku, JP 2002-216361. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Claim 1 has been amended to recite "one portion of said first buffer area being formed, **on the first recording track path and the second recording track path**, in advance as a pre-recording area, of embossed pits or pits obtained by irradiation of recording laser, and said information recording medium further comprising a management area to record therein identification information **which is start/end address information** indicating a **start or end position of** the pre-recording area." (Emphasis added)

Claim 7 has been amended to recite "An information recording apparatus for recording record information with respect

to an information recording medium, ... one portion of said first buffer area being formed, **on the first recording track path and the second recording track path**, in advance as a pre-recording area, of embossed pits or pits obtained by irradiation of recording laser, and said information recording medium further comprising a management area to record therein identification information **which is start/end address information** indicating a **start or end position of** the pre-recording area, said information recording apparatus comprising: **an obtaining device for obtaining the identification information which is recorded in the management area; a judging device for judging whether or not one portion of the first buffer area is formed in advance as the pre-recording area; a first recording device for recording the record information into an unrecorded portion other than the pre-recording area in the first buffer area on the basis of the start/end address information, which is the identification information, indicating the start or end position of the pre-recording area, if it is judged by said judging device that one portion of the first buffer area is formed in advance as the pre-recording area; and a second recording device for recording the record information into whole of the first buffer area, if it is judged by said judging device that one portion of the first buffer area is not formed in advance as the pre-recording area."**

(Emphasis added) Claim 12 has likewise been amended.

Support for the amendment may be found, for example, in

Fig. 7 and page 44, line 23 to page 47, line 12 of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

On pages 3 and 4 of the Office Action, it is asserted that Junsaku teaches "an information recording medium [...] a first buffer area (8b1-8b4 of Drawing 3, [0046], non record section) [...]."

However, all of the areas 8b1 to 8b4 are non record sections and areas in which the recording operation is not performed (see Junsaku ¶ 0046). It is technically well-known in the technical field such as optical disc like CD, DVD and Blu-ray Disc that the unrecorded area cannot prevent a recording or reproduction position from deviating from the recording layer, because the optical pickup (i.e. the device for performing the recording or reproduction) may go out of control by irradiating the unrecorded area (i.e. no information area) with a laser light. Thus, areas 8b1 to 8b4 disclosed in Junsaku are literally different from the "first buffer area" of the present invention as embodied in the claims.

Incidentally, in areas 8b1 to 8b4, LPP (Land Pre Pit) is formed on the portion (i.e. the unrecorded track such as Land Track) adjacent to the groove track (i.e. the recording track such as Groove Track). However, in the areas 8b1 to 8b4, no pit and no information is recorded on the recording track (i.e. the recording track path of the present invention). Therefore, the

LPP does not affect the above argument, namely, the fact remains that the areas 8b1 to 8b4 are non record sections and thus areas 8b1 to 8b4 disclosed in Junsaku are literally different from the "first buffer area" of the present invention.

In addition, since the areas 8b1 to 8b4 are non record sections, there is not formed, on the recording track such as Groove, one portion of the areas 8b1 to 8b4 in advance. This also shows that the areas 8b1 to 8b4 disclosed in Junsaku are literally different from the "first buffer area" of the present invention.

Therefore, Junsaku does not disclose the first feature of the present invention such that "one portion of said first buffer area being formed, on the first recording track path and the second recording track path, in advance as a pre-recording area, of embossed pits or pits obtained by irradiation of recording laser."

On pages 3 and 4 of the Office Action, it is asserted that Junsaku discloses an information recording medium [...] wherein the identification information is start/end address information indicating a start or end position of at least one portion of said first buffer area formed in advance (N1 to N8 of Drawing 3, [0059]).

However, Junsaku discusses that (i) "N0 is a start address of the recordable area of the front-side recording layer 3, N3 is a last address of the recordable area of the front-side

recording layer 3, N4 is a first address of the recordable area of the rear-side recording layer 2, N7 is a record end address of the rear-side recording layer 2 and N8 is a last address of the recordable area of the rear-side recording layer 2," (see Junsaku ¶ 0045) and (ii) "the radial positions of N0, N3, N4 and N8 are determined to satisfy the above condition." (see Junsaku ¶ 0046) According to Junsaku, N0, N3, N4 and N8 are fixed values which are determined in advance. Namely, there is no motivation to record the information for indicating N0, N3, N4 and N8 into the recording medium, because N0, N3, N4 and N8 are fixed and thus can be recognized by the recording apparatus without reading the special information from the recording medium.

Therefore, Junsaku does not disclose the second feature of the present invention such that "identification information which is start/end address information indicating a start or end position of the pre-recording area."

Further, as described above, the Applicants have amended claims 1, 7 and 12 so as to clarify that one portion (not "at least one portion" which may includes "whole") of the first buffer area is formed in advance as the pre-recording area. This amendment substantially indicates that the start/end address information is a variable value, because the one portion of the first buffer area can be set in performing the pre-recording.

Therefore, for at least the reasons discussed above, claims 1, 7 and 12 and the claims dependent therefrom are not

anticipated by Junsaku.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 102. It is also submitted that claims 1-3, 5-7 and 12 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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